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EXAMINER

TRAN, TRANG U

ART UNIT

PAPER NUMBER

2614

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/163,977

Applicant(s)

PARK, JU-HA

Examiner

Trang U. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2001 and 15 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 20, 21.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed April 24, 2001 have been fully considered but they are not persuasive.

In re page 11, applicant argues that, in contrast, claim 1 recites acquiring the program guide information for the program being received, and acquiring the remaining program guide information by scanning the channels while the program being received is not displayed, whereas Yuen discloses acquiring the program guide from a single channel, and scanning the available channels only when the single channel is unknown. As such, it is respectfully submitted that claim 1 is deemed patentable over Yuen due at least to Yuen not disclosing "receiving the program guide information and a program, and acquiring the program guide information for the received program," and "acquiring the remaining program guide information for each channel by scanning accessible channels while a received program is not displayed" as recited in claim 1.

In response, the examiner respectfully disagrees. Yuen discloses in col. 21, lines 34-47 that "in another embodiment the VCR 740 searches for a television signal source and a channel having the television guide. Once the search has been performed and a television signal source and a channel have been found with the television guide and guide data, then the television signal source and the channel can be stored in RAM 752. The search for guide data can be performed continuously, or only if the TV 14 is OFF" and in col. 22, line 57 to col. 22, line 10 that "the television guide data can then be recalled later from RAM 752 and displayed on television 14 via the on-screen display

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controller 756", and in col. 22, lines 38-47 that "in step 902 a detector detects whether or not a television monitor is On or OFF, which indicates whether the TV is being viewed", "if in step 904 it is determined that the TV monitor is OFF then in step 906 it is determined whether it is time for accessing a guide from a television signal", and "if the television monitor is not OFF or if it is not time for accessing a guide, the steps 902 through 906 are repeated until the television monitor is OFF and a time for accessing the guide has arrived" and in col. 22, lines 51-59 that "the guide and guide data can be embedded in the vertical blanking interval or the audio portion of the video signal". Since the guide data are transmitted in the VBI lines of video signal, the guide data and the video signal are received at the same time and in col. 22, lines 65-67 that the television guide is accessed by scanning all channels. From the above passages, it is clear that Yuen does indeed disclose the claimed "receiving the program guide information and a program, and acquiring the program guide information for the received program," and "acquiring the program guide information for each channel by scanning accessible channels while the received program is not displayed" as required by claim 1.

In re page 11, applicant states that claims 2 and 26 are deemed patentable due at least to their depending from independent claim 1.

In response, as discussed above regarding claim 1, Yuen indeed disclose all the features of claim 1.

In re pages 11-12, applicant also argues that in contrast, claim 3 recites acquiring program guide information in response to the program guide command from the user,

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and then displaying the acquired program guide information in a list in response to the same program guide command. Whereas Yuen discloses relying on a set time for accessing the guide information. Thus, while it is believed that claim 3 had recited this limitation as filed, claim 3 has been clarified to recite this existing limitation next to these steps. As such, it is respectfully submitted that claim 3 is deemed patentable over Yuen due at least to Yuen not disclosing both "acquiring program guide information of accessible channels in response to the program guide command" and "displaying the written program list to the user in response to a program guide command" as recited in claim 3.

The examiner respectfully disagrees. As discussed above regarding claim 1, Yuen discloses in col. 22, lines 33-47 and in col. 22, lines 65-67 the claimed "acquiring program guide information", in col. 21, line 65 to col. 22, line 1 the claimed "storing the acquired program guide information", and in col. 22, lines 1-3 the claimed "a program list of channels is displayed in response to a program guide command" and also discloses in col. 22, lines 43-47 that "if the television monitor is not OFF or if it is not time for accessing a guide, then steps 902 through 906 are repeated until the television monitor is OFF and a time for accessing the guide has arrived". When the television monitor is OFF and a time for accessing the guide has arrived, the controller 750 generates the program guide command to acquire program guide information of accessible channels. Thus, the claimed "acquiring program guide information of accessible channels in response to the program guide command" is clearly taught or

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suggested in Yuen. Thus, it is clear that Yuen discloses all the claimed features of claim 3.

In re page 12, applicant argues that contrary to the assertion of the Examiner, Yuen does not disclose "a key input introducing a user manipulation command such as a program guide command or a channel search command," "a microprocessor, in response to the manipulation command input via said key input, that writes a program list based on program guide information stored in said memory, and searches for accessible channels by controlling said tuner in a background operation while a user refers to the program list" and "a character signal generator generating a character signal corresponding to the program list written by said microprocessor and providing the character signal to a screen" as recited in claim 19.

In response, the Examiner respectfully disagrees. It is noted that the alleged **"while a guide is being displayed, that the apparatus searches for accessible channels, or that any other similar operation is performed during the display of the guide"** is not recited in claim 19. The specification is not the measure of invention. Therefore, limitations contained therein can not be read into the claims for the purpose of avoiding the prior art. In re Sporck, 55 CCPA 743, 382 F.2d 924, 155 USPQ 687 (1968). Yuen discloses in col. 21, lines 5-8 that "the VCR would compare the time on clock 754 to the preprogrammed times to determine a time at which to begin a search for the television guide and guide data". In order to preprogram the times, the times must be enter by a key input. Figs. 22A and 22B of Yuen show the method for accessing a television guide from a television signal of the controller 750. From the

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above passage and Figs. 22A and 22B, it is clear that the claimed "said microprocessor, in response to the manipulation command input via said key input, ... searches for accessible channels by controlling the tuner in a background operation while a user refers to the program list" and "a character signal generator generating a character signal corresponding to the program list written by said microprocessor and providing the character signal to a screen" is anticipated by the controller 750 the on-screen display controller 756 (col. 22, lines 1-3) of Yuen.

In re page 13, applicant argues that claims 7, 9, 10, 20-23, 25 and 27 are deemed patentable due at least to their depending from respective independent claims 3 and 19.

In response, as discussed above regarding claims 3 and 19, Yuen discloses all the features of claims 3 and 19.

In re page 13, applicant argues that contrary to the assertion of the Examiner, Yuen does not disclose or suggest "acquiring program guide information for each channel by searching for accessible channels in a background operation while the program list is referred to", "storing the acquired program guide information for each channel," "rewriting a program list on the basis of the stored program guide information," and "displaying the rewritten program list to a user" as recited in claim 12.

In response, the examiner respectively disagrees. As discussed above regarding claim 1, Yuen discloses in col. 22, lines 33-47 and in col. 22, lines 65-67 the claimed "acquiring program guide information", in col. 21, line 65 to col. 22, line 1 the claimed "storing the acquired program guide information", in col. 21, lines 18-22 the claimed

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"rewriting a program list on the basis of the stored program guide information", and in col. 22, lines 1-3 the claimed "a program list of channels is displayed in response to a program guide command". Thus, it is clear that Yuen discloses all the claimed features of claim 12 and one skilled in the art needs no more disclosure.

In re page 14, applicant argues that claims 13-15 are deemed patentable due at least to their depending from independent claim 12.

In response, as discussed above regarding claim 12, Yuen discloses all the features of claim 12.

In re page 14, applicant argues that similarly, it is respectfully submitted that Yuen does not disclose a microprocessor that "writes a program list based on program guide information stored in said memory, and searches for accessible channels by controlling said tuner in a background operation while a user refers to the program list" as recited in claim 19; and "acquiring the program guide information for each channel by searching for the accessible channels in a background operation while the program list is referred to" as recited in claim 6.

In response, the examiner respectfully disagrees. As discussed above regarding claim 1, Yuen discloses in col. 22, lines 33-47 and in col. 22, lines 65-67 the claimed "acquiring program guide information", in col. 21, line 65 to col. 22, line 1 the claimed "storing the acquired program guide information", and in col. 22, lines 1-3 the claimed "a program list of channels is displayed in response to a program guide command". Thus, it is clear that Yuen discloses all the claimed features of claims 19 and 6 and one skilled in the art needs no more disclosure.



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In re page 15, applicant argues that as such, contrary to the assertion of the Examiner, Yuen does not disclose an apparatus having both a "means for detecting program guide information corresponding to channels in relation to a tuned channel," or "means for searching for accessible channels of the channels based upon a command received, the program guide information, and a relation to the tuned channel" as recited in claim 28.

In response, the Examiner respectfully disagrees, Yuen discloses in col. 22, lines 56-59 that "then in step 911 if the television signal source and channel for accessing the guide have been programmed or stored in the VCR then the switch is switched to the specified television signal source and the channel is tuned to ". In order to tune to the programmed or stored television signal source and channel, the current tuned channel must be known by the controller 750. Therefore, the claimed "means for detecting program guide information corresponding to channels in relation to a tuned channel," and "means for searching for accessible channels of the channels based upon a command received, the program guide information, and a relation to the tuned channel" as recited in claim 28 are anticipated by col. 22, lines 56-59 of Yuen.

In re page 15, applicant argues that claim 29 is deemed patentable due at least to its depending from independent claim 28.

In response, as discussed above regarding claim 28, Yuen discloses all the features of claim 28.

In re page 16, applicant argues that thus, it is respectfully submitted that, contrary to the assertion of the Examiner and in addition to its depending from

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independent claim 3, Yuen does not disclose "determining whether the program guide information is effective by comparing a current time to an effective period of stored program guide information, and proceeding to said writing the program list when the stored program guide information is effective, before said acquiring the program guide information" as recited in claim 5.

In response, the examiner respectfully disagrees. It is noted that the alleged **"acquiring updated guide information while the guide is displayed"** is not recited in claim 19. The specification is not the measure of invention. Therefore, limitations contained therein can not be read into the claims for the purpose of avoiding the prior art. In re Sporck, 55 CCPA 743, 382 F.2d 924, 155 USPQ 687 (1968). As discussed above regarding claim 3, Yuen discloses all the features of claim 19 and also disclose in col. 21, lines 1-22 the claimed "determining whether the program guide information is effective by comparing a current time to an effective period of stored program guide information, and proceeding to the program list writing step when the stored program is effective, before the steps of acquiring program guide information".

In re pages 16-17, applicant argues that in contrast, claim 8 recites that the acquiring of program guide information is determined in accordance with an order of priority for the channels, with the order of priority being for channels having the same proximity as the tuned channels. Further, the order is determined in accordance with a channel up/down command executed prior to the corresponding channels are accessed. As such, it is respectfully submitted that, contrary to the assertions of the Examiner and in addition to its depending from independent claim 3, Yuen does not

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disclose "said acquiring the program guide information comprises determining the order of priority of channels having the same proximity to the channel tuned before the program guide command is executed according to a channel up/down command input before corresponding channels are accessed" as recited in claim 8.

The examiner respectfully disagrees. Yuen discloses from col. 21, line 48 to col. 22, line 32 the limitation of "determining the sequence of accessing channels by proximity of channels to the channel tuned before the program guide command is executed" and discloses from col. 21, line 48 to col. 22, line 32 and col. 23, lines 11-16 the claimed "determining the order of priority of channels having the same proximity to the channel tune before the program guide command is executed according to a channel up/down command input before corresponding channels are accessed" as recited in claim 8 and one skilled in the art needs no more disclosure.

In re page 17, applicant argues that assuming *arguendo* that is common knowledge to display a message to a user informing the user to wait, this common knowledge does not cure the above noted deficiencies in Yuen with regard to independent claim 3.

In response, as discussed above regarding claim 3, Yuen does disclose all the features of claim 3.

In re page 18, applicant argues that further, even assuming *arguendo* that the combination of Yuen and Saitoh discloses the recited elements, there is insufficient evidence of motivation to combine Yuen and Saitoh so as to create the invention recited in claim 11 as to establish a *prima facie* case for obviousness as to claim 11. Similarly, it

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is respectfully submitted that there is insufficient evidence of a motivation to combine Yuen and Saitoh as to create the invention recited in claim 24 as to establish a prima facie case for obviousness as to claim 24.

The examiner respectfully disagrees. In reaching the conclusion of obviousness of the claimed invention, it is mindful of the basic principle of a proper prior art analysis within 35 U.S.C. 103(a).

Not only the specific teachings of a reference but also reasonable inferences with the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In *re Preda*, 401 F.2d 825, 159 USPQ 342 (CCPA 1968) and In *re Shepard*, 319 F.2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In *re Sovish*, 769 F.2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In *re Jacoby*, 309 F.2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In *re Bozek*, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. In *re Bode*, 550 F.2d 656, 193 USPQ 12 (CCPA 1977).

Saitoh discloses the desired channel having the highest priority within the channel order priority order priority data is automatically displayed (col. 6, lines 15-16 and lines 26-32) instead of tuning all the channels to search the desired channel. The

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tuning the desired channel having the highest priority of Saitoh is common knowledge and would itself has been evidence of obviousness.

Finally, the expected benefits from the tuning the desired channel having the highest priority instead of tuning all the channels to search the desired channel of Saitoh would again itself has been evidence of obviousness. Expected beneficial results are themselves evidence of obviousness. In re Hoffman, 556 F.2d 539, 194 USPQ 126 (CCPA 1977); In re Skoll, 523 F.2d 1392, 187 USPQ 481 (CCPA 1975); and In re Skoner, 517 F.2d 947, 186 USPQ 80 (CCPA 1975).

In re page 19, applicant argues that claims 16-18 are deemed patentable due at least to their depending from independent claim 11.

In response, as discussed above regarding claim 11, Yuen and Saitoh disclose all the features of claim 11.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-10, 12-15, 19-23, and 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Yuen (U.S. Patent 5,659,367).

In consider claim 1, Yuen discloses all the claimed subject matter, note 1) the claimed receiving the program guide information and a program, and acquiring the program guide information for the received program is met by the tuner 744 (col. 21,

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lines 50-59), and the claimed comprising acquiring the remaining program guide information for each channel by scanning accessible channels while the program being received is not displayed is met by the controller 750 (col. 21, lines 34-47 and 59-65).

In consider claim 2, the claimed said acquiring the program guide information for each channel comprises obtaining the program guide information of the accessible channels by a tuner while the program received by the tuner is not displayed is met by the controller 750 (col. 21, lines 34-47 and 59-65).

In consider claim 3, Yuen discloses all claimed subject matter, note 1) the claimed acquiring program guide information of accessible channels in response to the program guide command is met by the controller 750 (col. 21, lines 34-47 and 59-65), 2) the claimed storing the acquired program guide information is met by the RAM 752 (col. 21, line 65; col. 22, line 1), 3) the claimed writing a program list on the basis of the stored program guide information is met by the RAM 752 (col. 21, line 65; col. 22, line 1 and col. 12, lines 33-46), 4) the claimed displaying the written program list to the user in response to the program guide command is met by the television 14 (col. 22, lines 1-3).

In consider claim 5, the claimed further comprising determining whether the program guide information is effective by comparing a current time to an effective period of stored program guide information and proceeding to said writing the program list when the stored program guide information is effective, before said acquiring the program guide information is met by the comparing step (col. 21, lines 39-47).

In consider claim 6, Yuen discloses all claimed subject matter, note 1) the claimed writing and displaying a program list including the program guide information of channels tuned before a program guide command is executed from the stored program guide information is met by the display of the television guide ( col. 21, line 65 ; col. 22, line 5), 2) the claimed acquiring the program guide information for each channel by

searching for the accessible channels in a background operation while the program list is referred to is met by the search for the television guide (col. 21, lines 59-65).

In consider claim 7, the claimed said acquiring the program guide information comprises determining the sequence of accessing channels by proximity of channels to the channel tuned before the program guide command is executed is met by the search for television guide (col. 21, lines 59-65).

In consider claim 8, the claimed said acquiring the program guide information comprises determining the order of priority of channels having the same proximity to the channel tuned before the program guide command is executed according to a channel up/down command input before corresponding channels are accessed is met by the search for television guide ( col. 21, lines 59-65).

In consider claim 9, the claimed wherein an upward or downward direction is preferential when no channel up/down command is executed is met by the scanning of the channels for the television guide ( col. 21, lines 59-65).

In consider claim 10, the claimed said acquiring the program guide information comprises searching channels upward or downward from the channel tuned before the program guide command is executed is met by the scanning of the channels for the television guide (col. 21, lines 59-65).

In consider claim 12, Yuen discloses all claimed subject matter, note 1) the claimed writing and displaying a program list including program guide information of channels tuned before a program guide command is executed from stored program guide information is met by the display of the television guide ( col. 21, line 65 ; col. 22, line 5), 2) the claimed acquiring program guide information for each channel by searching for accessible channels in a background operation while the program list is referred to is met by the search for the television guide (col. 21, lines 59-65), 3) the

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claimed storing the acquired program guide information for each channel is met by the storing the channel guide in the RAM 752 ( col. 21, line 65 ; col. 22, line 1), 4) the claimed rewriting a program list on the basis of the stored program guide information is met by the storing the channel guide in the RAM 752 ( col. 21, line 65 ; col. 22, line 1 and col. 12, lines 33-46), 5) the claimed displaying the rewritten program list to a user is met by the display of the television guide (col. 22, lines 1-3).

In consider claim 13, the claimed said acquiring the guide information comprises determining a sequence of accessing channels by the proximity of channels to the channel tuned before the program guide command is executed is met by the search for television guide (col. 21, lines 59-65).

In consider claim 14, the claimed wherein said acquiring the guide information comprises determining an order of priority of channels having the same proximity to the channel tuned according to a channel up/down command input before corresponding channels are accessed is met by the search for television guide ( col. 21, lines 59-65).

In consider claim 15, the claimed wherein an upward or downward direction is preferential when no channel up/down command is applied is met by the scanning of the channels for the television guide ( col. 21, lines 59-65).

In consider claim 19, Yuen discloses all claimed subject matter, note 1) the claimed a tuner tuning a channel is met by the tuner 744 (col. 19, line 19), 2) the claimed a program guide information detector detecting program guide information introduced via said tuner is met by the controller 750 (col. 19, lines 24-44 and col. 21, lines 34-47), 3) the claimed a memory storing the program guide information for each channel detected by said program guide information detector is met by the RAM 752 (from col. 21, line 65 to col. 22, line 1), 4) the claimed a key input introducing a user manipulation command such as a program guide command or a channel search



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command is met by the remote controller 16 (col. 19, line 10-17), 5) the claimed a microprocessor, in response to the manipulation command input via said key input, that writes a program list based on program guide information stored in said memory and searches for accessible channels by controlling said tuner in a background operation while a user refers to the program list is met by the controller 750 ( col. 18, lines 1-7 and col. 21, line 34 ; col. 22, line 10), 6) the claimed a character signal generator generating a character signal corresponding to the program list written by said microprocessor and providing the character signal to a screen is met by the on-screen display controller 756 (col. 22, lines 1-3).

In consider claim 20, the claimed wherein said microprocessor determines the sequence of accessing channels by the proximity between channels to the channel tuned before the program guide command is executed is met by the search for television guide ( col. 21, lines 59-65).

In consider claim 21, the claimed wherein said microprocessor determines the order of priority of channels having the same proximity according to a user's channel up/down command input via said key input before corresponding channels are accessed is met by the search for television guide ( col. 21, lines 59-65).

In consider claim 22, the claimed wherein said microprocessor searches for channels preferentially in an upward or downward direction when no channel up/down command is executed is met by the scanning of the channels for the television guide ( col. 21, lines 59-65).

In consider claim 23, the claimed wherein said microprocessor searches for channels upward or downward from the channel tuned before the program guide command is executed is met by the scanning of the channels for the television guide ( col. 21, lines 59-65).

In consider claim 25, the claimed wherein said microprocessor provides to said character signal generator a status message on the message screen in response to the program guide information of a corresponding channel not being stored is met by the warning message (col. 20, lines 50-54).

In consider claim 26, the claimed wherein the accessible channels include channels accessed by a tuner and channels provided by a line input is met by the tuner and the output 728 (col. 19, lines 10-23 and col 21, lines 34-65).

In consider claim 27, the claimed wherein said acquiring the program guide information comprises the step of determining the sequence of accessing channels by proximity of the channels to the channel tuned and by a channel up/down command input just before a channel search is determined is met by the search for television guide ( col. 21, lines 59-65).

In consider claim 28, the claimed means for detecting program guide information corresponding to channels in relation to a tuned channel is met by the search for television guide (col. 21, lines 59-65) and means for searching for accessible channels of the channels based upon a command received, the program guide information, and a relation to the tuned channel is met by the controller 750 (col. 21, lines 59-65).

In consider claim 29, the claimed wherein the means for searching searches the accessible channels in a preferential manner is met by the controller 750 (col. 21, lines 59-65).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen (U.S. Patent 5,659,367).

Yuen discloses all features of the instant invention except providing a message indicating that the user must wait until the program list is written. However, the capability of displaying message indicated the user must wait until the program is written is well known and old in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Yuen's system with the well known message in order to increase the efficiency system operation in Yuen.

6. Claims 11, 16-18, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen (US. Patent 5,659,367) in view of Saitoh (US. Patent 5,444,499).

In consider claim 11, Yuen discloses all the features of the instant invention except for providing further comprising writing a probability distribution of tuned channels, wherein said acquiring the program guide information comprises searching the channels in an order of priority according to a probability distribution of channels. Saitoh teaches that the controller can calculates a probability that channels are to be selected, by accumulating a number of time which the channels are tuned (col. 5, lines 46-62) and searches for the channels in an order of priority according to a probability of tuning by the channels calculated (col. 6, lines 15-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Yuen's system with the controller as taught in Saitoh in order to obtain the television guide without carrying out cumbersome tuning operations.

In consider claim 16, the claimed wherein said acquiring the guide information comprises searching channels upward or downward from the channel tuned before the

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program guide command is executed is met by the search for television guide disclosed in Yuen, column 21, lines 59-65 .

In consider claim 17, the claimed further comprising writing a probability distribution of tuned channels, and wherein the channels are search for in order of priority according to the probability distribution of channels is met by the search of channels base on the priority disclosed in Saitoh, column 6, lines 15-38.

In consider claim 18, the claimed wherein said displaying the written program list comprises displaying a message indicating a status of program guide information in response to the program guide information of a corresponding channel not being stored is met by the warning message of Yuen (col. 20, lines 50-54), and displaying the program guide information of a corresponding channel in response to acquiring the program guide information of channels tuned before the program guide command is executed being acquired in said acquiring the program guide information is met by the display of the television guide disclosed in Yuen, column 22, lines 1-3.

Claim 24 is rejected for the same reason as discussed in claim 11.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Trang U. Tran** whose telephone number is **(703) 305-0090**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W. Miller**, can be reached at **(703) 305-4795**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Art Unit: 2614

Washington, D.C. 20231


**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

TT TT  
7/28/02

  
JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600